



City of Annapolis

Department of Planning & Zoning
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Board of Appeals

June 7, 2011

The regular meeting of the Board of Appeals of the City of Annapolis was held on June 7, 2011 in the City Council Chambers. Chair Elkington called the meeting to order at 7:08pm.

Present: **Chairman** Elkington, **Vice Chairman** Latham, Gregory, Zazzali

Absent Oliver-Yancey

Staff Present: G. Elson-Deputy City Attorney, Rouse, Scott, T. Hook-Recorder

The agenda was approved as submitted.

B. Approval of Minutes

May 3, 2011 and May 18, 2011 Meeting Minutes

Mr. Elkington moved approval of the May 3, 2011 and May 18, 2011 meeting minutes as submitted. Mr. Gregory seconded the motion. The motion passed unanimously in a vote of 4-0.

C. Public Hearings and Deliberations

1. Aqua Terra of Annapolis Special Exception, #S.E. 2011-001

Ms. Rouse presented the special exception application to amend the hours of operations from midnight to 2:00am in accordance to the recently adopted change in City code. She noted that there are no residential uses located near the property and the property is totally surrounded by commercial uses. The Planning Commission voted to recommend approval of the application as submitted.

Ms. Appel, Attorney, appeared before the Board and explained that the application is for a standard restaurant. She went over the number of seats; compliance to the code requirements; and the types of entertainment proposed.

Mr. Chase, Applicant, responded to several questions raised by the Board.

No one from the general public spoke in favor or in opposition to the Aqua Terra Special Exception application. Chair Elkington declared the public hearing closed at 7:20pm.

The following exhibits were presented at the hearing.

Exhibit Number	Exhibit Types
1	Staff Memorandum dated March 28, 2011 with attachments

2. Board of Visitors & Governors, St. John's College Special Exception, #S.E. 2011-002

Mr. Scott presented the special exception application to establish a non commercial recreational and social club for the College's Sailing Program. The Planning Commission voted to recommend approval of the application subject to a number of conditions. Staff recommends approval as submitted.

Mr. Pickens, Athletic Director-St. John's College, appeared before the Board and described the athletic programs at the college. He further described the College's goal to establish a safe, efficient platform for the sailing program.

The following exhibits were presented at the hearing.

Exhibit Number	Exhibit Types
1	Staff Memorandum dated March 31, 2011 with attachments
2	Letter: Wardour Improvement Association, Inc. dated June 5, 2011

Public testimony opened at 7:25pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition
Cheri Wendt-Taczak	P.O. Box 6325		X
Christopher Aikes	225 Westwood Road		X
Royall Whitaker	112 Wardour Drive		X
Craven Engels	218 Norwood Road		X

No one else from the general public spoke in favor or in opposition to the Board of Visitors & Governors, St. John's College Special Exception application. Chair Elkington declared the public hearing closed at 8:10pm.

3. Palmer Variance, #VAR2011-003

Mr. Elson disclosed that he handled the Municipal Infraction Citation that the City of Annapolis served Mr. Palmer several years ago and the case reached a consent agreement with the courts. He asked Mr. Palmer if he objected to his participation in these proceedings and Mr. Palmer expressed no objection.

Mr. Scott presented the variance request to disturb the 100' Buffer to allow the construction of new retaining walls.

Mr. Palmer, Applicant, appeared before the Board and spoke regarding his need to replace the retaining wall. He agreed to adhere to the conditions placed on the application by staff.

No one from the general public spoke in favor or in opposition to the Palmer Variance application. Chair Elkington declared the public hearing closed at 8:25pm.

The following exhibits were presented at the hearing.

Exhibit Number	Exhibit Types
1	Staff Memorandum dated April 26, 2011 with attachments

4. Bowersox Variance, #VAR2011-004

Mr. Scott described the variance request to allow the construction of a single family home.

Mr. Bowersox, Applicant, appeared before the Board and explained the purpose for purchasing the lots on 622 and 624 is to rehabilitate the existing house and to construct an additional house on lot 624 which is currently vacant. He provided a copy of his personal responses to the Eastport Civic Association's objections to the proposal.

The following exhibits were presented at the hearing.

Exhibit Number	Exhibit Types
1	Staff Memorandum dated April 26, 2011 with attachments
2	Letter: Eastport Civic Association from J. Wells dated May 3, 2011

Exhibit Number	Exhibit Types
3	Letter: Stephen H. Rogers dated May 3, 2011, Rev. June 7, 2011
4	Bowersox Responses to Eastport Civic Assoc. dated May 3, 2011
5	Photographs submitted by Bowersox 5A-5W

Public testimony opened at 8:41pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition
Steve Rogers	139 Eastern Avenue		X
Jacqueline Wells	201 Severn Avenue		X

No one else from the general public spoke in favor or in opposition to the Bowersox Variance application. Chair Elkington declared the public hearing closed at 8:10pm.

5. Hryniewicz Variance, #VAR2011-006

Mr. Scott presented the variance request to construct an addition in the rear of the property. He described the proposal to demolish the existing house and to rebuild it in the existing footprint.

Mr. Hyatt, Attorney for Eileen Fogarty (abutting property owner), appeared before the Board and asked several questions of staff regarding their presentation. He asked Mr. Sullivan and Mr. Hryniewicz several questions regarding the proposal.

Mr. Sullivan, Architect, appeared before the Board and read a prepared statement regarding the proposed addition and responses to Ms. Fogarty's written concerns. Mr. Hyatt asked several questions of Mr. Sullivan regarding his testimony.

Mr. Hryniewicz read a prepared statement regarding the proposed addition and its deteriorated state. He explained that the new structure will be more modern and completely built of concrete. He addressed the standards for approving a variance. Mr. Hyatt asked several questions of Mr. Hryniewicz regarding his testimony.

Mr. Hyatt gave a brief presentation regarding Ms. Fogarty's concerns on the proposed addition. Ms. Fogarty testified that her main concern relates to invasion of her privacy since the proposed structure is higher than what currently exists.

The following exhibits were presented at the hearing.

Exhibit Number	Exhibit Types
1	Staff Memorandum dated May 31, 2011 with attachments
2	Letter: Robert Miller dated June 2, 2011
3	Letters of Support submitted
4	Photographs 4A – 4N
5	List of Property Owners within 200-feet
6	Photograph of Fence
7	Tax Map
8	Written Statement from Hryniewicz Resident

Public testimony opened at 11:12pm and those speaking on the application are listed below.

Name	Address	In Favor	In Opposition
Greg McConnell	1109 Poplar Avenue	X	
Carrie Walters	1104 Poplar Avenue	X	

No one else from the general public spoke in favor or in opposition to the Hryniewicz Variance application. Chair Elkington declared the public hearing closed at 11:30pm.

6. Sherman Variance #VAR2011-008

Mr. Scott presented the variance request to allow the construction of a rear screened porch addition to the existing house. He proffered the staff memorandum and stated staff's recommendation to approve the application as submitted.

Mr. Sherman, Applicant, described the location of the home and the proposal to increase the living space to accommodate the needs of his family.

The following exhibits were presented at the hearing.

Exhibit Number	Exhibit Types
1	Staff Memorandum dated May 31, 2011 with attachments

Deliberations

Due to the late hour, the Board deferred the deliberations on the applications presented above to its July 5, 2011 meeting.

With there being no further business, Mr. Gregory moved to adjourn the meeting at 11:50pm and Mr. Zazzali seconded the motion. The motion passed unanimously in a vote of 4-0.

Tami Hook, Recorder